

111TH CONGRESS  
2D SESSION

# S. 4007

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2010

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Downed Animal and  
5 Food Safety Protection Act of 2010”.

6 **SEC. 2. FINDING AND DECLARATION OF POLICY.**

7 (a) FINDING.—Congress finds that the humane  
8 euthanization of nonambulatory livestock in interstate and  
9 foreign commerce—

1 (1) prevents needless suffering;

2 (2) results in safer and better working condi-  
3 tions for persons handling livestock;

4 (3) brings about improvement of products and  
5 reduces the likelihood of the spread of diseases that  
6 have a great and deleterious impact on interstate  
7 and foreign commerce in livestock; and

8 (4) produces other benefits for producers, proc-  
9 essors, and consumers that tend to expedite an or-  
10 derly flow of livestock and livestock products in  
11 interstate foreign commerce.

12 (b) DECLARATION OF POLICY.—It is the policy of the  
13 United States that all nonambulatory livestock in inter-  
14 state and foreign commerce shall be immediately and hu-  
15 manely euthanized when such livestock become non-  
16 ambulatory.

17 **SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**  
18 **NONAMBULATORY LIVESTOCK.**

19 (a) IN GENERAL.—Public Law 85–765 (commonly  
20 known as the “Humane Methods of Slaughter Act of  
21 1958”) (7 U.S.C. 1901 et seq.) is amended by inserting  
22 after section 2 (7 U.S.C. 1902) the following:

23 **“SEC. 3. NONAMBULATORY LIVESTOCK.**

24 **“(a) DEFINITIONS.—In this section:**

1           “(1) COVERED ENTITY.—The term ‘covered en-  
2       tity’ means—

3                   “(A) a stockyard;

4                   “(B) a market agency;

5                   “(C) a dealer;

6                   “(D) a packer;

7                   “(E) a slaughter facility; or

8                   “(F) an establishment.

9           “(2) ESTABLISHMENT.—The term ‘establish-  
10       ment’ means an establishment that is covered by the  
11       Federal Meat Inspection Act (21 U.S.C. 601 et  
12       seq.).

13           “(3) HUMANELY EUTHANIZE.—The term ‘hu-  
14       manely euthanize’ means to immediately render an  
15       animal unconscious by mechanical, chemical, or  
16       other means, with this state remaining until the  
17       death of the animal.

18           “(4) NONAMBULATORY LIVESTOCK.—The term  
19       ‘nonambulatory livestock’ means any cattle, sheep,  
20       swine, goats, or horses, mules, or other equines, that  
21       will not stand and walk unassisted.

22           “(5) SECRETARY.—The term ‘Secretary’ means  
23       the Secretary of Agriculture.

24           “(b) HUMANE TREATMENT, HANDLING, AND DIS-  
25       POSITION.—The Secretary shall promulgate regulations to

1 provide for the humane treatment, handling, and disposi-  
2 tion of all nonambulatory livestock by covered entities, in-  
3 cluding a requirement that nonambulatory livestock be hu-  
4 manely euthanized.

5 “(c) HUMANE EUTHANASIA.—

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 when an animal becomes nonambulatory, a covered  
8 entity shall immediately humanely euthanize the  
9 nonambulatory livestock.

10 “(2) DISEASE TESTING.—Paragraph (1) shall  
11 not limit the ability of the Secretary to test non-  
12 ambulatory livestock for a disease, such as Bovine  
13 Spongiform Encephalopathy.

14 “(d) MOVEMENT.—

15 “(1) IN GENERAL.—A covered entity shall not  
16 move nonambulatory livestock while the non-  
17 ambulatory livestock are conscious.

18 “(2) UNCONSCIOUSNESS.—In the case of any  
19 nonambulatory livestock that are moved, the covered  
20 entity shall ensure that the nonambulatory livestock  
21 remain unconscious until death.

22 “(e) INSPECTIONS.—

23 “(1) IN GENERAL.—It shall be unlawful for an  
24 inspector at an establishment to pass through in-  
25 spection any nonambulatory livestock or carcass (in-

1 including parts of a carcass) of nonambulatory live-  
2 stock.

3 “(2) LABELING.—An inspector or other em-  
4 ployee of an establishment shall label, mark, stamp,  
5 or tag as ‘inspected and condemned’ any material  
6 described in paragraph (1).”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), the amendment made by subsection (a)  
10 takes effect on the date that is 1 year after the date  
11 of enactment of this Act.

12 (2) REGULATIONS.—Not later than 1 year after  
13 the date of enactment of this Act, the Secretary of  
14 Agriculture shall promulgate final regulations to im-  
15 plement the amendment made by subsection (a).

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